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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,842	11/03/2000	Ralph S. Buckley	0019-0001	3741

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EXAMINER

ROVNAK, JOHN EDMUND

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 07/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,842

Applicant(s)

BUCKLEY ET AL.

Examiner

John E. Rovnak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10 and 12-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-28 is/are allowed.
- 6) ☐ Claim(s) 1-3, 5-10 and 12-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

1. Applicant's arguments with respect to claims 1-3, 5-10 and 12-24 have been considered but are moot in view of the new ground(s) of rejection.
2. Claim 25-28 are allowed.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-3, 5- 8, 10 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al (U.S. Patent 5,867,821) in view of Ramshaw et al (U.S. Patent 5,791,907).
5. Regarding claims 1 and 7, Ballantyne et al discloses a system and method for providing medical training over a network, comprising: a memory (Fig. 7A 228) configured to store instructions and a plurality of graphical user interfaces relating to medical topics [Col. 16 line 33-34, "medical training packages with high resolution medical images"], and a processor [Fig. 7A (202)] configured to execute the instructions to receive a medical topic indication [Cols. 16 and 17 regarding "The Regional Medical Library"] and an audience level indication [Col. 8 lines 20-28], retrieve at least one graphical user interface related to the medical topic and based on the audience level indication, and provide the retrieved at least one graphical user interface over the network [Fig. 7A] to a user. While Ballantyne et al does not discuss the details of the "medical training packages", it would have been obvious to one of ordinary skill in the art, in view of the interactive medical training system of Ramshaw et al, for said "medical training packages" to have one or more questions [Col. 13 lines 49-62 of

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Ramshaw et al.]. Ballantyne et al uses a server and computer readable medium containing instructions for controlling at least one processor.

6. ° Regarding claims 2 and 8, see col. 13, lines 49-62 of Ramshaw et al.

7. Regarding claims 3 and 10, the Ballantyne et al system is configured to collect comments from the user [Col. 10 lines 20-21].

8. Regarding claims 5, 13 and 14, see Ballantyne et al col. 17 lines 16-18 wherein authoring software with inherent editing capability is discussed. Col. 17 lines 4-5 indicate that authorization software is present in the use of the Regional Medical Library. It would thus have been obvious to one of ordinary skill in the art to provide authorization to edit medical content.

9. ° Regarding claim 6, see the above discussion of the obviousness of including questions in the Ballantyne et al system in view of Ramshaw et al. The Ramshaw et al system is configured to store medical imagery data [Figs. 4A-11] and associate at least one of the one or more questions with the medical imagery data [col. 21 line 65-col. 22 line 5].

10. Regarding claim 12, see Ballantyne et al col. 8 lines 20-28.

11. Claims 9 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al in view of Ramshaw et al, as applied to claims 1 and 7 above, and further in view of Corn et al (US Pub. 2001/0053513).

12. Corn et al teaches the granting of medical educational credits based on tracking a user. It would have been obvious to one of ordinary skill in the art that the “medical training packages with high resolution medical images” of Ballantyne et al with obvious

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questions as taught by Ramshaw et al, include the granting of continuing medical educational credits as taught by Corn et al [[0003], [0005], [0033]-[0035]]. The Ballantyne et al system comprises a computer-readable medium containing instructions for controlling at least one processor.

13. Claims 3 and 10 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al in view of Ramshaw et al, as applied to claims 1 and 7 above, and further in view of Corn et al (US Pub. 2001/0053513). Corn et al discloses the collecting of comments from the user regarding at least one medical training program [Claim 17 and col. 7 [0052]]. It would have been obvious to one of ordinary skill in the art to include such collecting of comments with the “medical training packages with high resolution medical images” of Ballantyne et al, in view of the questioning software of Ramshaw et al.

14. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Siefert.

15. Siefert discloses a computer-readable medium anticipating applicant's hierarchical data structure. Col. 18, starting at line 43, defines a college field [College Curriculum], (example: mathematics). The college field comprises at least one learning pavilion field [Subject] that is a subset of the college field (example: differential equations is a learning pavilion field). The learning pavilion field comprises at least one seminar field [Topic], that is a subset of the learning pavilion field (example: Wronskian). The seminar field comprises at least one exercise field [Lesson], that is a subset of the seminar field. Siefert's exercise field comprises at least two questions with inherent stored correct and incorrect answers as is demonstrated in col. 17 lines 35-38 and col.

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17 lines 49-51. The applicant's specific naming convention for conventional academic hierarchical structure is not patentably limiting but a matter of design choice.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E. Rovnak whose telephone number is (703) 308-3087

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

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John E. Rovnak
Primary Examiner
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July 10, 2002